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United States
Coast Guard



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U. S. COAST GUARD

STATEMENT OF

REAR ADMIRAL R. DENNIS SIROIS

ON

COAST GUARD LAW ENFORCEMENT

BEFORE THE

SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

U. S. HOUSE OF REPRESENTATIVES

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Good morning Mr. Chairman and distinguished members of the Committee. It is a pleasure to appear before you today to discuss the law enforcement missions of the United States Coast Guard.

The Coast Guard possesses extensive regulatory and law enforcement authorities governing ships, boats, personnel and associated activities in our ports, waterways and offshore maritime regions. We maintain, at the ready, a network of coastal small boats, aircraft, cutters, and expertly-trained personnel to counter illegal drug smuggling, prevent illegal migration via maritime routes, protect living marine resources, ensure the safety and integrity of the maritime transportation system, protect our nation's environment, and enforce all U.S. federal laws.

Enforcement of immigration law at sea is a primary mission of the Coast Guard. By conducting patrols and coordinating with other federal agencies and foreign nations, the Coast Guard seeks to deny entry to illegal immigrants via maritime routes to the United States, its territories and possessions. Additionally, we are working on bilateral agreements with Ecuador and Haiti, similar to those with the Dominican Republic and the Bahamas, to deter the illegal migrant flow from these nations.

On the enforcement front, the Coast Guard maintains an effective presence at key choke points along migrant smuggling routes. Despite a significant increase in migrant flow out of the Dominican Republic and Haiti in FY 2004, the Coast Guard successfully deterred or intercepted more than 87% of the undocumented aliens attempting to enter the United States via maritime means. A total of 10,899 migrants were interdicted by the Coast Guard last year, the largest number in over a decade. The Coast Guard continues to place emphasis on this critical homeland security mission. Although overall migrant interdiction levels to date in Fiscal Year 2005 are lower than the same period in Fiscal Year 2004, the Coast Guard is seeing increasing trends from certain individual source countries such as Cuba; the Coast Guard continues to actively monitor the possibility of mass migration due to deteriorating economic and social conditions in Cuba, Haiti and the Dominican Republic.

The protection of living marine resources is carried out both through the enforcement of domestic fisheries law and by protecting the U.S. Exclusive Economic Zone (EEZ) from foreign encroachment. The U.S. EEZ is the largest in the world, extending up to 200 nautical miles from U.S. shores and covering nearly 3.4 million square miles of ocean. For this reason, fisheries enforcement is a mission largely conducted by Coast Guard Deepwater assets. The EEZ is a renewable resource, providing a vast supply of food, recreational opportunities, and a livelihood for thousands of commercial fisherman. The Coast Guard is the only agency with the authority, infrastructure, and assets able to project a federal law enforcement presence over this vast area.

To prevent over-fishing and protect species health, the Coast Guard conducts at-sea boardings to ensure compliance with our nation's fisheries management plans. The Coast Guard partners with industry and other federal and state agencies to collect and disseminate enforcement information, further improving our operational efficiency. For example, the Nationwide Vessel Monitoring System (N-VMS), run by the National Marine Fisheries Service (NMFS), detected a vessel suspected of illegally fishing within a closed area off of New England. NMFS alerted the Coast Guard, which then intercepted and boarded the vessel, seizing over 12,000 pounds of illegally caught fish. In FY 2004, the Coast Guard boarded over 4,500 fishing vessels and observed a compliance rate of 96.3%.

Foreign fishing vessel incursions into the U.S. EEZ threaten to undermine the nation's Fisheries Management Plans and the U.S. commercial fishing industry. The highest threat areas for foreign fishing vessel incursions are the U.S.-Mexico border in the Gulf of Mexico, the U.S.-Russian

Maritime Boundary Line in the Bering Sea and the Western/Central Pacific EEZ border. The number of detected incursions in Fiscal Year 2004 rose significantly compared to the previous four years. Our analysis indicates that the threat is similar to prior years and that more accurate reporting is the primary reason for the increase in detections. Interception continues to be a significant deterrence to illegal fishing; however the vast distances within the U.S. EEZ impacts our ability to intercept foreign fishing vessels in the remote areas of the EEZ. The Coast Guard is working with the National Oceanic and Atmospheric Administration and the State Department to pursue an enforcement agreement with Mexico, and to develop a U.S./Russia shiprider agreement to aid EEZ enforcement in the Bering Sea.

The Coast Guard extends its law enforcement authority to marine environmental protection. Charged with enforcing the Oil Pollution Act of 1990 (OPA 90), the Coast Guard cited nearly 100 tank ships and tank barges for violations of the Clean Water Act as amended by OPA 90, collecting nearly \$5 million in civil penalties. Additionally, the Coast Guard, in conjunction with the Department of Justice, aggressively sought and successfully obtained federal numerous criminal convictions involving the discharge of oil and falsifying records. One recent case alone resulted in a \$25 million fine against a large multi-national shipping company.

The Coast Guard is also responsible for enforcing maritime security standards in the United States. The events of 9/11 set in motion significant security-related enhancements to protect the maritime transportation infrastructure. The Maritime Transportation Security Act of 2002 expanded the reach of port State activities to enhanced security screening and targeting, verification examination, enforcement and control procedures, including armed teams to escort vessels and screen mariners. Over the past year, the Coast Guard detained nearly 300 vessels for safety or security reasons. In addition, the President has proposed a complete update of the merchant mariner credentialing statutes in Title 46 of the United States Code to heighten security vetting and control who is able to obtain government-issued credentials.

The Coast Guard's Ports, Waterways and Coastal Security (PWCS) mission is to prevent terrorist attacks in the U.S. maritime environment, protect maritime related critical infrastructure and key assets, and both minimize damage and facilitate recovery from an attack. In support of these objectives we now have 13 Maritime Safety and Security Teams in or near critical ports throughout the nation. These specially trained teams augment existing Coast Guard forces to perform surge operations in support of PWCS, Anti-Terrorism, Counter-Drug and other Law Enforcement missions. We have expanded our Explosive Detection Canine Program and are developing and deploying anti-swimmer and small-boat entangling systems to protect against waterborne attacks.

The Coast Guard works to ensure the safety and security of the nation's offshore oil and gas infrastructure. With assistance from the Minerals Management Service, we conduct safety inspections of offshore facilities and develop offshore security programs to protect this infrastructure sector which is vital to our nation's energy security and economic well-being.

The President's Proliferation Security Initiative (PSI) encourages all nations to coordinate their efforts to prevent shipments of Weapons of Mass Destruction, delivery systems and related materials. The Coast Guard provides negotiators to help craft bilateral PSI agreements, particularly with those nations that have large ship registries. There are currently agreements with Panama, Liberia the Republic of the Marshall Islands, and Croatia, while negotiations are in progress with Greece, Belize, and Cyprus. The Coast Guard participates in Operational Experts meetings held regularly around the world. Further, the Coast Guard hosted and participated in Operation Chokepoint 04, a PSI exercise

held in the Caribbean last November, which involved an actual at-sea boarding under the Liberian bilateral agreement and a dockside examination in Panama.

As the lead federal agency for maritime drug interdiction, the Coast Guard seeks to reduce the supply of illegal drugs entering the country by denying smugglers the use of air and maritime routes throughout the over six million square mile transit zone in the Caribbean, Gulf of Mexico, and the Eastern Pacific. In Fiscal Year 2004, the Coast Guard removed just under 160 metric tons of cocaine from the commerce stream. This number includes the seizure of over 109 metric tons of cocaine valued at nearly \$8 billion dollars. By comparison, 62 and 53 metric tons of cocaine were seized in FY 2003 and FY 2002, respectively. Enhanced capabilities coupled with increased inter-department, inter-agency, and international coordination and intelligence sharing, have played a vital role in our recent successes.

The key to our ability to perform the counter-drug mission is The Integrated Deepwater System, a fleet of cutters, aircraft, and deployable boats and command and control systems. The biggest threat to our continued performance in drug interdiction is the declining state of our legacy ships and aircraft.

The majority of the Coast Guard's operational assets will reach the end of their anticipated service lives by 2010, resulting in rising operating and maintenance costs, reduced mission effectiveness, unnecessary risks, and excessive wear and tear on our people. The resulting "readiness gap" negatively impacts both the quantity and quality of Coast Guard "presence" – critical to our ability to accomplish the Service's law enforcement missions.

Listed below are some specific examples highlighting system failure rates, increased maintenance requirements, and the subsequent impact on mission effectiveness:

- HH-65 helicopter in-flight engine power losses occurred at a rate of 329 mishaps per 100,000 flight hours in FY 2004. The comparable Federal Aviation Administration acceptable standard for a mishap of this severity is approximately 1 per 100,000 flight hours. Re-engining the HH-65 will remain the Coast Guard's highest legacy asset priority until complete.
- The 110-foot Patrol Boat fleet has experienced 23 hull breaches requiring emergency dry docks.
- The 378-foot High Endurance Cutter fleet averages one engine room casualty, with potential to escalate to a fire, on every patrol.
- The total number of unscheduled maintenance days for the major cutter (medium and high endurance cutters) fleet has increased from 85 days in FY 1999 to 358 days in FY 2004 (over a 400% increase). This loss of operational cutter days in 2004 equates to losing two major cutters, or 5% of our major fleet for an entire year.

The President's FY 2006 budget provides \$966 million for *The Integrated Deepwater System*, taking aim on reversing the Coast Guard's declining readiness trends and transforming the Coast Guard with enhanced capabilities to meet current and future mandates through system-wide recapitalization and modernization of Coast Guard cutters, aircraft, and associated sub-systems. I urge you to support this budget, as *The Integrated Deepwater System* is the enduring solution to both the Coast Guard's declining legacy asset readiness concerns and the need to implement enhanced maritime security capabilities to reduce maritime risk in the post-9/11 world.

The revised Deepwater plan recently submitted to Congress includes additional capabilities that will better equip the Deepwater system to meet the challenges of the post 9/11 environment. These additional capabilities will also improve performance in all Coast Guard mission areas. For example, the revised Deepwater plan calls for arming the entire fleet of organic helicopters. The use of armed helicopters, combined with new Cutter Boats Over-the-Horizon (CB-OTH), has greatly improved the Coast Guard's capability to stop "Go Fast" vessels. Deployed throughout the Caribbean and Eastern Pacific, armed helicopters were directly involved in the seizure of over 31 metric tons of cocaine and the arrest of 84 people in FY 2004. This highly successful program is growing. The Coast Guard and Maritime Transportation Act of 2004 extended the airborne use of force for counter-drug missions to U.S. Navy aircraft under tactical control of the Coast Guard and Congress provided the Coast Guard with \$2.5 million in Fiscal Year 2005 to begin arming organic Coast Guard helicopters. Additionally, the Coast Guard has assisted the United Kingdom in their development of an airborne use of force program for Royal Navy helicopters.

The Coast Guard attributes its success in Fiscal Year 2004 to the intelligence analysis and coordination of the interagency members that participate in Joint Interagency Task Force (JIATF) South. JIATF South coordinates the counter drug detection and monitoring resources of our international (U.S., British, Dutch, and French) and domestic agency partners (Department of Defense, Department of Justice, and Customs and Border Patrol).

Operation Panama Express, a joint effort of the Department of Homeland Security and the Department of Justice, also generates a tremendous amount of actionable intelligence on trafficking organizations and smuggling routes. Leveraging this intelligence enables a higher rate of success for interdiction assets from the Navy, Coast Guard, other domestic agencies, and international partners.

To further improve the effectiveness of our law enforcement programs, and to maximize coordination with our international partners, the Coast Guard has negotiated bilateral and multilateral counter drug and alien migration interdiction agreements with 26 Caribbean nations. These agreements act as force multipliers and are exercised on a regular basis in drug and migrant interdiction cases, and in the planning and conduct of counter drug operations such as CARIBE VENTURE and CARIBE STORM.

The successes in the Coast Guard law enforcement missions have not come without their share of challenges in performing our critically important non-homeland security missions while meeting increased homeland security requirements and supporting Operation Iraqi Freedom. We are working our assets—and our crews—harder than ever. The President addresses capacity and capability improvements for the Coast Guard in his Fiscal Year 2006 budget request, including increased funding for the Integrated Deepwater System, which has never been more relevant for the Coast Guard's operational success in law enforcement and other mission areas. I ask your support for the President's budget request.

Thank you for the opportunity to testify before you today, and your continued support of the Coast Guard. I will be happy to answer any questions you may have.